

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
- v. - :
:
RANDY WASHINGTON, :
:
Defendant. :
:
- - - - - x

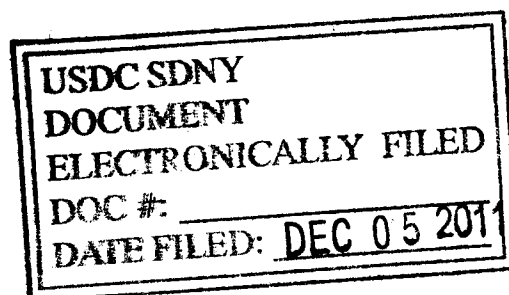
**SUPERSEDING
INDICTMENT**

S2 11 Cr. 605 (RJS)

COUNT ONE

The Grand Jury charges:

1. From in or about 2008, up to and including in or about February 2011, in the Southern District of New York and elsewhere, RANDY WASHINGTON, the defendant, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, WASHINGTON agreed with other individuals not named as defendants herein to commit robberies of individuals believed to be engaged in narcotics trafficking and individuals believed to possess business proceeds of commercial establishments that sold goods and used materials that had traveled in interstate commerce.



Overt Acts

2. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about October 11, 2008, RANDY WASHINGTON, the defendant, and others not named as defendants herein, committed an armed robbery of individuals who possessed business proceeds in the vicinity of Furman Avenue in the Bronx, New York.

b. On or about August 12, 2010, WASHINGTON, and others not named as defendants herein, attempted to rob an individual in an apartment that they believed to contain narcotics proceeds in the vicinity of Bronx Park South in the Bronx, New York.

c. On or about August 18, 2010, WASHINGTON, and others not named as defendants herein, committed an armed robbery of individuals who possessed narcotics and narcotics proceeds at an apartment in the vicinity of Fort Independence in the Bronx, New York.

(Title 18, United States Code, Section 1951.)

COUNT TWO

The Grand Jury further charges:

3. On or about August 18, 2010, in the Southern District of New York, RANDY WASHINGTON, the defendant, and others

known and unknown, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, WASHINGTON and others committed an armed robbery of individuals who possessed narcotics and narcotics proceeds at an apartment in the vicinity of Fort Independence in the Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE

The Grand Jury further charges:

4. On or about October 11, 2008, in the Southern District of New York, RANDY WASHINGTON, the defendant, and others known and unknown, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, WASHINGTON and others committed an armed robbery of individuals who possessed business proceeds from a commercial establishment that sold goods and used materials that had traveled in interstate commerce in the vicinity of Furman Avenue in the Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT FOUR

The Grand Jury further charges:

5. On or about August 12, 2010, in the Southern District of New York, RANDY WASHINGTON, the defendant, and others known and unknown, unlawfully and knowingly did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would thereby have obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, WASHINGTON and others attempted to rob an individual they believed to possess narcotics proceeds in the vicinity of Bronx Park South in the Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT FIVE

The Grand Jury further charges:

6. On or about August 18, 2010, in the Southern District of New York, RANDY WASHINGTON, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the robbery charged in Count Two of this Indictment, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying and possession of a firearm, which was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.)

COUNT SIX

The Grand Jury further charges:

7. On or about October 11, 2008, in the Southern District of New York, RANDY WASHINGTON, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the robbery charged in Count Three of this Indictment, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying and possession of a firearm, which was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii),
924(c)(1)(C)(i), and 2.)

COUNT SEVEN

The Grand Jury further charges:

8. From in or about 2007, up to and including in or about 2010, in the Southern District of New York and elsewhere, RANDY WASHINGTON, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

9. It was a part and an object of the conspiracy that RANDY WASHINGTON, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1).

10. The controlled substances involved in the offense were (i) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form known as "crack cocaine," in violation of 21 U.S.C. § 841(b)(1)(A); (ii) 100 kilograms and more of mixtures and substances containing a detectable amount of marijuana, in violation of 21 U.S.C. § 841(b)(1)(B); and (iii) mixtures and substances containing a detectable amount of heroin, in violation of 21 U.S.C. § 841(b)(1)(C).

Overt Act

11. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. In 2009 and 2010, RANDY WASHINGTON, the defendant, and others not named as defendants herein, agreed to send weekly shipments of narcotics to upstate New York for redistribution.

(Title 21, United States Code, Section 846.)

COUNT EIGHT

The Grand Jury further charges:

12. In or about 2011, in the Southern District of New York and elsewhere, RANDY WASHINGTON, the defendant, not being a licensed importer, manufacturer, or dealer, knowingly, and willfully did engage in the business of dealing in firearms, and

in the course of such business did transport and receive firearms in interstate commerce, to wit, WASHINGTON transported firearms from North Carolina to New York for the purpose of selling the firearms.

(Title 18, United States Code, Sections 922(a)(1)(A) and 2.)

FORFEITURE ALLEGATIONS

13. As the result of committing the robbery offenses in violation of Title 18, United States Code, Section 1951, alleged in Counts One, Two, Three, and Four of this Indictment, RANDY WASHINGTON, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses.

14. As a result of committing the controlled substance offense alleged in Count Seven of this Indictment, RANDY WASHINGTON, the defendant, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds they obtained directly or indirectly as a result of said violation and any and all property that constitutes or is derived from proceeds traceable to the commission of the violation alleged in Count Seven of this Indictment.

Substitute Asset Provision

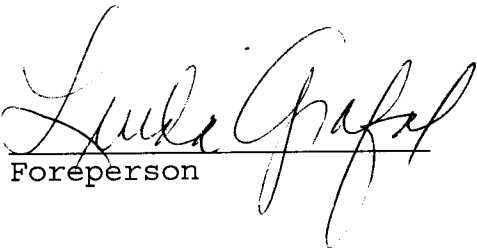
15. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third person;
 - c. has been placed beyond the jurisdiction of the Court;
 - d. has been substantially diminished in value;
- or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981,
Title 28, United States Code, Section 2461, and
Title 18, United States Code, Section 1951,
Title 21, United States Code, Section 853.)


Foreperson


PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

RANDY WASHINGTON,

Defendant.

SUPERSEDING INDICTMENT

S2 11 Cr. 605 (RJS)

(21 U.S.C. § 846, 18 U.S.C. §§ 1951, 922(a), 924(c), and 2.)

PREET BHARARA
United States Attorney

Foreperson.

12/5/2011- Filed Superseding Indictment.
AFC J. MARS
U.S. M. T.